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15 and MAYBELLINE LLC

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18
19 LIAT ORSHANSKY, on behalf of herself
and others similarly situated,

20 Plaintiffs,

21 vs.

22 L'OREAL USA, INC. , a Delaware
23 corporation; MAYBELLINE, LLC, a New
York limited liability company dba
24 MAYBELLINE, NEW YORK,

25 Defendants.
26
27

Case No. 3:12-cv-06342-CRB

**DEFENDANTS' NOTICE OF PENDENCY
OF OTHER ACTION OR PROCEEDING
(CIVIL L.R. 3-13)**

28 DEFS. NOT. OF PENDENCY OF OTHER
ACTION OR PROCEEDING
Case No. 3:12-cv-06342-CRB

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Pursuant to Civil L. R. 3-13 the undersigned hereby notifies this Court of the pendency of three related actions or proceedings. The following cases are similar to the above-referenced action because they each (1) name one of the Defendants herein, Maybelline LLC, which is wholly owned by the other defendant herein, L'Oreal USA, Inc.; (2) raise allegations concerning the represented performance of certain lip and/or other cosmetic products; and (3) seek certification of various class actions seeking injunctive and monetary relief:

1. *Leebove, et al. v. Maybelline, LLC*, Case No. 12-7146 (JGK) (S.D.N.Y.), filed September 12, 2012. This action alleges claims of deceptive marketing, advertising and promotion of SuperStay 10HR Stain Gloss and SuperStay 14HR Lipstick and seeks certification of a nationwide class of purchasers, as well as Michigan, New York and New Jersey sub-classes of purchasers;

2. *Algarin v. Maybelline, LLC*, Case No. 12-cv-3000 (AJB) (DHB) (S.D. Cal.), filed December 18, 2012. This action alleges claims of deceptive marketing, advertising and promotion of the SuperStay 24 Lipcolor and seeks certification of a multi-state class of purchasers in California and in other "states with similar laws," as well as a California-only sub-class.

3. *Murdock v. Maybelline, LLC*, Case No. 13-cv-00207 (JAM) (EFB) (E.D. Cal.), filed February 1, 2013. This action alleges claims of deceptive marketing, advertising and promotion of SuperStay 24 Lipcolor and SuperStay 24 HR Makeup and seeks certification of a class of California purchasers.

Defendants intend to seek an order from the Judicial Panel on Multidistrict Litigation ("MDL Panel") transferring this *Orshansky* action and the *Algarin* and *Murdock* actions set forth above to the S.D.N.Y., where the first-filed *Leebove* action is pending and where all defendants are headquartered, for coordinated MDL proceedings. Defendants also intend to seek a stay of the deadlines and proceedings in this matter pending a decision on the petition to the MDL Panel.

This *Orshansky* action alleges claims of deceptive marketing, advertising and promotion of the SuperStay 14HR Lipstick, SuperStay 10HR Stain Gloss, Volum'Express The Falsies, and

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Voluminous False Fiber Lashes products. It seeks certification of a nationwide class of purchasers as well as a California sub-class. All of these actions include claims about the performance of certain Maybelline lip products. The two lip products at issue in *Orshansky* are the exact same lip products at issue in the *Leebove* action. While *Orshansky* also includes claims about mascara products and names L’Oreal USA, Inc. as a defendant in addition to Maybelline LLC, all of these actions, at a minimum, raise issues concerning the performance of lip products and all make claims that the particular cosmetic products at issue did not perform as represented. All of the actions thus raise similar legal issues and overlapping factual issues. Some of the actions raise directly competing class claims. Defendants expect that much of the discovery sought in each action will overlap.

For these reasons, and others to be set forth more fully in briefing before the MDL Panel, Defendants hereby notify the Court and parties of the pendency of these related actions and Defendants' intention to seek (1) an order from the MDL Panel transferring all of these actions to the S.D.N.Y. for coordinated MDL proceedings and (2) a stay of this action pending decision by the MDL Panel.

DATED: March 20, 2013.

FARELLA BRAUN + MARTEL LLP

By: /s/
C. Brandon Wisoff

Attorneys for Defendants Defendants L'ORÉAL
USA, INC. and MAYBELLINE LLC

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